In the case of beedi, it was exempt from taxation till the amendment was passed recently in Madras.

Sri Mulka GOVINDA REDDY.—On cigarettes which are sold by the person taxed at less than 3 pies per cigarette and are to be sold at the retail point to the consumer at not more than 3 pies per cigarette—was that exempted, Sir ?

Sri Kadidal MANJAPPA.—It was not exempted but they were paying at a lesser rate.

Sri Mulka GOVINDA REDDY.—What were the rates prevailing in Mysore State after the merger and before 1st April 1955 on all these varieties, Sir ?

Sri Kadidal MANJAPPA.—These rates you can find in the schedule annexed to the Act of 1954.

> "Three pies in the rupee and in case of cigarettes which are sold by the first dealer at less than 6 pies per cigarette and are to be sold at any retail point to the consumer at not more than 6 pies per cigarette—10 per cent of such turnover."

Sri Mulka GOVINDA REDDY.—Why did they not bring an amendment to bring the rates that were prevailing in Bellary at par with those that were prevailing in Mysore before first of April ?

Sri Kadidal MANJAPPA.—The amendment Bill has been just now passed to keep the rates at par. This Bill has been introduced not with the previous rates.

Sri Mulka GOVINDA REDDY.—The rate of tax that people in Bellary were paying on these cigarettes, *i.e.*, item (i) were different from those that the people in Mysore were paying.

Sri Kadidal MANJAPPA.—There was slight variation between the rates. Now the intention is to introduce as early as possible the Mysore Sales Tax Act. But in the meanwhile, it is necessary that there should be similarity in the rates between Bellary and rest of the areas in Mysore.

Mr. SPEAKER.— The question is :

> "That the Madras Tobacco (Taxation of Sales and Registration) (Mysore Amendment) Bill, 1955 be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—There is no amendment to this Bill. Clauses 2 and 3.

The question is:

> "That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clause 2 and 4 were added to the Bill.

Mr. SPEAKER.—Clause 1, Title and Preamble.

The question is:

> "That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri Kadidal MANJAPPA.—Sir I move:

> "That the Madras Tobacco (Taxation of Sales and Registration) (Mysore Amendment) Bill, 1955, be passed."

Mr. SPEAKER.—The question is:

> "That the Madras Tobacco (Taxation of Sales and Registration) (Mysore Amendment) Bill, 1955, be passed."

The motion was adopted.

MYSORE SALES TAX (AMENDMENT) BILL, 1955.

Motion to consider.

4-30 P. M.

Sri Kadidal MANJAPPA (Minister for Revenue and Public Works).—I beg to move :—

> "That the Mysore Sales Tax (Amendment) Bill, 1955, as reported by the Select Committee, be taken into consideration."

(SRI KADIDAL MANJAPPA.)

This Bill was considered at length on the floor of this House. This had been referred to the Select Committee. The Select Committee after considering the suggestions made on the floor of the House and after considering all the clauses have made slight changes in some of the provisions of the Bill. The Bill provides for the appointment of an Appellate Tribunal. That has been welcomed by the business community. It also provides for certain changes in the existing Act. I do not think there is any controversy in regard to the provisions of this Bill because it has been considered at length by the Select Committee.

The changes made by the Select Committee are: while levying an advance tax it should only be collected at the expiry of the month or quarter to which the tax relates. That is in relation to clause 4. In regard to the revisional powers of the Commissioner, it has been provided that this power should not be exercised by the Commissioner before the expiry of 60 days in the case of an appealable order. In clause 16, a slight change is made to compel the assessing authority to modify or amend the assessment order in accordance with the decision of the Appellate Tribunal. In regard to the provision which relates to the levy of fees, the Select Committee thought that it would be correct if the minimum is fixed at Rs. 20 and the maximum at Rs. 200. These are the changes made. As regards the other provisions, no change is made. On the whole, this measure is very useful and it is in the interests of the business community. I am sure the House will wholeheartedly approve the measure.

Mr. SPEAKER.—Motion moved:

"That the Mysore Sales Tax (Amendment) Bill, 1955, as reported by the Select Committee, be taken into consideration."

Sri G. BASAPPA (Hosadurga).—Why do you want a Deputy Commissioner for that?

Sri. Kadidal MANJAPPA.—It is open to the Government to appoint a part-time officer of the Government to be a member of the Board. If there is not sufficient work there is no need for an officer of the status of the Deputy Commissioner. At the same time I agree with the Hon'ble Member that there should be a provision.

*ಶ್ರೀ ಎಸ್. ಶ್ರೀನಿವಾನಯ್ಯಂಗಾರ್ (ಚಿ. ನರಸೀಪುರ).—ಈ ಬಿಲ್ಲನ್ನು ನಾನು ವಿರೋಧಿಸುತ್ತೇನೆ. ಈ ಕ್ಲಾಜ್ 4ರಲ್ಲಿ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್‌ನ್ನು ವಸೂಲ್ಮಾಡತಕ್ಕ ಅಧಿಕಾರ ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಸೇಲ್ಸ್ ಟ್ಯಾಕ್ಸ್ ಎಂಬ ಪದದ ಅರ್ಥ ತೆರಿಗೆ ವಸೂಲ್ಮಾಡುವುದೆಂದಿದ್ದಾಗ್ಗೂ—ಅದನ್ನು ವ್ಯಾಪಾರ ಅದನಂತರ ವಸೂಲ್ಮಾಡಬೇಕು. ಆದರೆ . . . .

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಈವರೆಗೆ ಈ ಸೇಲ್ಸ್-ಟ್ಯಾಕ್ಸ್ ಎಂಬ ಒಂದು ಪದದ ಮೇಲೆ ಎರಡು-ಮೂರು ಘಂಟೆಗಳಿಂದಲೂ ವಾದಮಾಡಿರುತ್ತೀರಿ. ಈಗ ಈ ಪದವನ್ನು ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರು ಕೂಲಂಕಷವಾಗಿ ವಿಮರ್ಶೆಮಾಡಿ ಅನಂತರ ಅವರು ಇದಕ್ಕೆ ಈ ರೀತಿ ಒಂದು proviso ಇದ್ದರೆ ಏನೂ ತೊಂದರೆ ಆಗುವುದಿಲ್ಲ ಎಂದು ಸೇರಿಸಿದ್ದಾರೆ. ಟರ್ನ್‌ಓವರ್ ಆಧಾರದ ಮೇಲೆ ಈ ತೆರಿಗೆಯನ್ನು ವಸೂಲ್ಮಾಡಬಹುದೆಂದು ಹೇಳಿದ್ದಾರೆ. ಒಂದು ವರ್ಷದ ತೆರಿಗೆಯ ಆಧಾರದ ಮೇಲೆ ಮುಂದಿನ ಸಾಲಿನಲ್ಲಿ ಆ ತೆರಿಗೆ ವಸೂಲ್ಮಾಡಿದರೆ ಅದರಿಂದೇನೂ ಅಷ್ಟು ಬಾಧಕವಾಗಲಾರದು. According to the practice and the procedure in vogue, sales-tax is being collected in advance pending final assessment, not before the accrual of the turnover. If the Hon'ble Member has in his mind that the Government is going to collect sales-tax before there is a turnover, it is not correct. We only collect at the end of the month after there is a turnover; we only collect at the end of the quarter after the turnover, not before that. It may be at the end of the month or the quarter. Even according to the existing practice, we do not collect the tax before there is a turnover. On account of the decision of the Madras High Court, we are seeking to regularise the procedure. That is all. There will not be any change in the existing method and nobody need have any apprehension in his mind that the Government is going to adopt altogether a novel method of collecting tax in advance.

ಶ್ರೀ ಎಸ್. ಶ್ರೀನಿವಾನಯ್ಯಂಗಾರ್.—11ನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ ಒಂದು ಕಡೆ ಈ ಬಗ್ಗೆ ತಾವೊಂದು proviso ಇಟ್ಟುಕೊಂಡಿದ್ದೀರಿ. ಹಾಗೆ ಒಂದು ಕಡೆ ಇಟ್ಟುಕೊಂಡಿದ್ದರೂ ಪುನಃ ಪ್ರತಕ್ಕೆ ಮತ್ತೊಂದು ಕಡೆ ಈ proviso ಇರಬೇಕೆಂದು ಹೇಳುತ್ತಿದ್ದೀರಿ? ಇದಕ್ಕೆ ಚ್ಞಂ ಲಿಮಿಚ್ಞೇನಾದರೂ ಉಂಟೆ?

Sri Kadidal MANJAPPA.—According to the Board of Revenue Bill which you were pleased to pass only recently, all.

pending cases before Government will be transferred to the Board for disposal. If the party chooses to have his case adjudicated upon by the Appellate Tribunal, he must be given an opportunity. Whether he wants the case to be disposed of by the Appellate Tribunal or by the Revenue Board, it is only an alternative remedy given to him because till to-day he never dreamt that there would be any tribunal or a Revenue Board. Therefore, it is but right that he should be given an option in the matter.

*Sri Mulka GOVINDA REDDY (Chitaldrug).—Regarding this Bill, I definitely and specifically point out that though they may try to provide an opportunity for the assessee to prefer an appeal to the Revenue Board instead of to the Appellate Tribunal, there is no such specific provision mentioned in this Bill. According to the provision of this Bill, section 11 definitely states that if any person does not want his petition to be disposed of by the Appellate Tribunal, it may be disposed of by the Commissioner or the State Government as the case may be.

But in this particular case, it shall be disposed of by the Commissioner or the State Government and no option is provided to the assessee to prefer his appeal.

Sri Kadidal MANJAPPA.—I may remind the Hon'ble Member that the Commissioner and the Government refer the case to the Revenue Board, after the Revenue Board Bill becomes law.

Sri Mulka GOVINDA REDDY.—According to the wording of this, it says :

"Provided that if within the thirty days aforesaid, the applicant intimates in writing to the State Government or the Commissioner, as the case may be, that he does not desire the application to be disposed of by the Appellate Tribunal, the application shall be disposed of by the Commissioner or the State Government, as the case may be, as if this Act had not been passed."

So, it is definitely and specifically stated that it shall be disposed of by the Commissioner or the State Government. Instead of giving room to the Government or the Commissioner to seek to this provision, a specific provision giving an opportunity to the assessee to prefer an appeal to the Revenue Board will be more welcome.

Sri Kadidal MANJAPPA.—I suppose the Hon'ble Member has not gone through the provisions contained in the Revenue Board Bill. There, the Commissioner means the Revenue Board with reference to appeals and revision. Government means the Revenue Board. So the Commissioner and the Government mentioned here refer to the Revenue Board. I may assure my Hon'ble friend that we are going to constitute the Reveenu Board shortly and Government is not anxious to dispose of these cases.

Mr. SPEAKER.—The question is :

"That the Mysore Sales Tax (Amendment) Bill, 1955, as reported by the Select Committee be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses. There are no amendments. I will put clauses 2 to 12.

"That Clauses 2 to 12 stand part of the Bill."

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

Mr. SPEAKER.—Clause 1. Title and Preamble. The question is :

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri Kadidal MANJAPPA.—Sir, I move that the Mysore Sales-Tax (Amendment) Bill, 1955, as reported by the Select Committee, be passed.

Mr. SPEAKER.—The question is:

"That the Mysore Sales-Tax (Amendment) Bill, 1955, as reported by the Select Committee, be passed."

The motion was adopted.

Mr. SPEAKER.—Tomorrow, discussion on the Fact Finding Committee Report will be resumed. I will let you know the time required, tomorrow.

Sri K. HANUMANTHAIYA (Chief Minister).—And also we may have to sit overtime.

Mr. SPEAKER.—The House will rise and meet tomorrow at 12 NOON.

The House adjourned for the day at Forty-five Minutes past Four of the Clock to meet again on Tuesday, the 19th April 1955 at Twelve of the Clock.

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